

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

SCRA 948 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For hearing of main case.
2. For hearing of CMA No.4237/2024.

13.10.2025

Agha Shahid Majeed Khan, advocate for the applicant.

Tracking report is placed on record. Per learned counsel, the question before the court in this reference is whether income tax and sales tax could be recovered under the Customs hierarchy per the Customs Act, 1969. Per learned counsel, the matter is squarely clinched in favour of department by virtue of Supreme Court judgment in Nestle Pakistan case. While several questions of law have been proposed in the pleadings, learned counsel articulates and presses the sole question for determination being whether the customs authorities are empowered to recover short levy of sales tax and income tax under the Customs Act, 1969. As observed supra, the matter is squarely clinched in favour of the department by virtue of a recent judgment of Supreme Court dated 05.09.2025 in Director of Post Audit Clearance vs. Nestle Pakistan Limited (Civil Petition 70-K of 2023), therefore, in mutatis mutandis application of the reasoning illumined the question framed has answered in favour of the applicant department and against the respondent.

SCRA stands disposed of accordingly. A copy of this decision may be sent under the seal of this Court and the signature of the Registrar to the learned Customs Appellate Tribunal, as required per section 196(5) of the Customs Act, 1969.

Judge

Judge